

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Leroy Jones,
4 Petitioner,
5 v.
6 Attorney General, et al.,
7 Respondents.
8

2:13-cv-02357-JAD-GWF

Order Directing Answer

9 In this habeas corpus action, on May 22, 2015, the court ruled on the respondents' motion to
10 dismiss. *See* Order entered May 22, 2015 (Doc. 32). The court found the following claims in the
11 habeas corpus petition in this action to be unexhausted in state court: Grounds 2, 4, 6(b) (the claim
12 that trial counsel was ineffective for failing to investigate the video recording equipment at two
13 locations), 6(c) (the claim that trial counsel was ineffective for failing to investigate the prosecution's
14 use of ten still photographs to determine if the use of them was illegal, and 6(d) (the claim that trial
15 counsel was ineffective for failing to investigate the prosecution's use of ten still photographs to
16 determine whether a photo lineup was suggestive). *See id.* With respect to those unexhausted
17 claims, the court required the petitioner, Leroy Jones, to make an election. *See id.*

18 On June 15, 2015, Jones timely made his election regarding his unexhausted claims by filing
19 a declaration (Doc. 33) stating his election to abandon his unexhausted claims for relief and proceed
20 on his remaining claims. Based on Jones's election to abandon his unexhausted claims, the court
21 will dismiss those claims without prejudice and set a schedule for further proceedings on his
22 remaining claims.

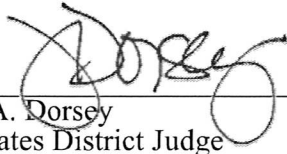
23 IT IS THEREFORE ORDERED that **the following claims** in the habeas corpus petition in
24 this action, **which have been abandoned by the petitioner, are dismissed without prejudice:**
25 Grounds 2, 4, 6(b) (the claim that trial counsel was ineffective for failing to investigate the video
26 recording equipment at two locations), 6(c) (the claim that trial counsel was ineffective for failing to
27 investigate the prosecution's use of ten still photographs to determine if the use of them was illegal,
28 and 6(d) (the claim that trial counsel was ineffective for failing to investigate the prosecution's use of

1 ten still photographs to determine whether a photo lineup was suggestive).

2 IT IS FURTHER ORDERED that **respondents have until August 18, 2015, to file and**
3 **serve an answer** responding to the remaining claims in the habeas corpus petition in this action.

4 Petitioner Leroy Jones will have 60 days after respondents file their response to file and serve a reply
5 to the answer.

6 Dated this 19th day of June, 2015.

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Jennifer A. Dorsey
United States District Judge